

62574-991522
2921
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20530

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/042,488 | 03/16/98 | EVANS | R SALK1520-2 |

STEPHEN E REITER
GRAY CARY WARE & FREIDENRICH
4365 EXECUTIVE DRIVE
SUITE 1600
SAN DIEGO CA 92121

0222/0402

RECEIVED

NOT ASSIGNED

APR 07 1998

GCWFS/REITER

DATE MAILED:

1643

04/02/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 1556

☐ 1. The statutory basic filing fee is:

☒ missing.

☐ insufficient.

Applicant must submit \$ 190 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ 328 for 4 independent claims over 3.

\$ 108 for 14 dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

☐ is missing or unexecuted.

☐ does not cover the newly submitted items.

☐ does not identify the application to which it applies.

☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/10/1998 WUTILLARI 0000064 07165

01 FC:201 395.00 CH CH CH
02 FC:202 164.00 CH CH CH
03 FC:203 154.00 CH CH CH
04 FC:205 65.00 CH CH CH



PATENT
Attorney Docket No.: SALK1520-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Evans et al.

Serial No.: 09/042,488

Filed: March 16, 1998

For: METHOD FOR MODULATING
EXPRESSION OF EXOGENOUS
GENES IN MAMMALIAN SYSTEMS,
AND PRODUCTS RELATED
THERE TO

) Group Art Unit: 1643

) Examiner: Unassigned

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as
) enclosed herein are being deposited with the United
) States Postal Service as first class mail on this date
) 6/1/98 in an
) envelope addressed to: Assistant Commissioner for
) Patents, Washington, D.C. 20231

) Stephen E. Reiter, Reg. No.: 31,192

) (Name of person mailing paper)

) Signature

Box Missing Parts
Assistant Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed April 2, 1998,
enclosed are:

1. A copy of the Notice to File Missing Parts of Application;
2. An executed Combined Declaration and Power of Attorney for Patent Application;
3. A Recordation Form Cover Sheet and an executed Assignment; and
4. A Verified Statement (Declaration) Claiming Small Entity Status.

In re Application of
Evans et al.
Serial No.: 09/042,488
Filed: March 16, 1998
Page 2

PATENT
Docket No.: SALK1520-2

The filing fee has been calculated as shown below:

| | Number Filed | | Number Extra | | Rate | | | Fee | |
|---|-----------------|---|-----------------|---|-----------------|-----------------|---|-----------------|-----------------|
| | | | | | Small Entity | Other Entity | | Small Entity | Other Entity |
| Total Claims | 34 - 20 | = | 14 | X | \$11 | \$22 | = | \$154.00 | |
| Independent Claims | 7 - 3 | = | 4 | X | \$41 | \$82 | = | \$164.00 | |
| Multiple Dependent Claims Presented: ___ Yes <u>X</u> No | | | | | \$135 | \$270 | | .00 | |
| | | | | | BASIC FEE | | | \$395.00 | |
| | | | | | TOTAL FEE | | | \$713.00 | |

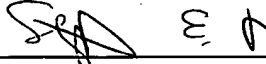
X The Commissioner is hereby authorized to charge payment of the total fee of \$818.00: \$713.00 for the filing fee, \$65.00 the surcharge fee for missing parts of application and \$40.00 assignment recordation fee or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,

Date: 6/1/98



Stephen E. Reiter
Reg. No. 31,192
Telephone: (619) 677-1409
Facsimile: (619) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, California 92121-2189